

**MINUTES OF THE CITY COMMISSION MEETING
SEPTEMBER 22, 2003**

The City of Leesburg Commission held a regular meeting Monday, September 22, 2003, in the Commission Chambers at City Hall. Mayor Connelly called the meeting to order at 5:32 p.m. with the following members present:

Commissioner Bob Lovell
Commissioner Ben Perry
Commissioner David Knowles
Mayor David Connelly

Commissioner Lewis Puckett and City Manager Ron Stock were not present due to prior commitments. Also present were Deputy City Manager (DCM) Robert Johnson, Acting City Clerk (ACC) Betty Richardson, City Attorney (CA) Fred Morrison, Deputy City Clerk (DCC) Diane Gibson Smith, the news media, and others.

Daily Commercial Reporter Rick Reed gave the invocation followed by the Pledge of Allegiance to the Flag.

**APPROVED CITY COMMISSION MINUTES OF THE REGULAR MEETING HELD
SEPTEMBER 8, 2003 AND SPECIAL MEETING HELD SEPTEMBER 11, 2003**

Mayor Connelly stated the September 11, 2003 meeting minutes should read the meeting was called to order by Mayor Pro-Tem Knowles, not Mayor Connelly.

Commissioner Lovell moved to approve the City Commission minutes of the regular meeting held September 8, 2003 and special meeting held September 11, 2003 as corrected. Commissioner Knowles seconded the motion and it carried unanimously.

**PRESENTED PLAQUE TO THE CITY FROM MISS LEESBURG SCHOLARSHIP
PROGRAM**

Mayor Connelly presented DCM Johnson a plaque from the Miss Leesburg Scholarship Program in recognition of the City's support for the program.

PRESENTATION BY MAD DADS TO POLICE CHIEF IDELL

Ruby Mitchell presented a plaque to Police Chief (PC) Chuck Idell for the Police Department's continued support of the Mad Dads.

PC Idell thanked the Mad Dads Organization for being so involved in the community.

PUBLIC HEARINGS

**ANNOUNCED THE PERCENTAGE INCREASE IN THE PROPOSED MILLAGE
RATE OVER THE ROLLED BACK RATE**

Finance Director (FD) Bill Pfeilsticker announced the proposed millage rate of 4.50 mills represents an increase of .294 mills or 6.99% over the rolled-back rate of 4.206 mills.

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DISCUSSED THE SPECIFIC REASONS FOR THE TAX INCREASE

FD Pfeilsticker stated the increase is due to personal services including retirement costs.

REQUESTED COMMENTS FROM THE PUBLIC REGARDING THE BUDGET

Mayor Connelly requested comments from the public. There were no comments.

Commissioner Lovell stated, for the record, the City has not raised the millage rate for 14 years. He believes this is a record. The increase in taxes is due to an increased number of people and not from an increase in the tax rate.

ADOPTED RESOLUTION 6910 FINALLY ADOPTING THE MILLAGE RATE OF 4.500 MILLS PER \$1,000 TAXABLE VALUE FOR FISCAL YEAR 2003-04

Commissioner Lovell introduced the resolution to be read by title only. ACC Richardson read the resolution as follows:

A resolution finally adopting 4.500 mills as the Fiscal Year 2003-04 millage rate for the City of Leesburg, Florida, representing an increase of 0.294 mills or 6.99% over the rolled-back rate of 4.206 mills, and directing the City Manager or his authorized representative to certify said millage to the Lake County Property Appraiser, Tax Collector, and the Florida Department of Revenue.

Commissioner Knowles moved to adopt the resolution and Commissioner Perry seconded the motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the resolution.

ADOPTED ORDINANCE 03-78 ADOPTING THE FISCAL YEAR 2003-04 BUDGET

FD Pfeilsticker stated there was a problem with advertising so it is necessary to schedule a special meeting on September 29 to ratify the decision. CA Morrison stated it is best to go ahead with the second reading and voting on the ordinance and then vote again on the 29th to meet the code requirement.

ACC Richardson read the ordinance by title only.

An ordinance of the City Commission of the City of Leesburg, Florida adopting the Fiscal Year 2003-2004 budget for the City of Leesburg, Florida, and providing an effective date.

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Commissioner Knowles moved to adopt the ordinance and Commissioner Lovell seconded the motion. The roll call vote was:

Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the ordinance.

PUBLICLY ANNOUNCED THE PERCENTAGE INCREASE OF THE MILLAGE RATE OVER THE ROLLED BACK RATE

FD Pfeilsticker publicly announced the adopted millage rate of 4.500 mills represents an increase of 0.294 mills or 6.99% over the rolled back rate of 4.206 mills.

Commissioner Knowles moved to hold a special meeting to adopt the budget on September 29, 2003 at 5:30 p.m. Commissioner Lovell seconded the motion and it passed unanimously.

PULLED RESOLUTION AUTHORIZING EXECUTION OF A DEVELOPER'S AGREEMENT WITH ARLINGTON RIDGE

DCM Johnson stated this item is being pulled as negotiations are on-going for this agreement, but should be completed prior to the second reading of the ordinance. The intent is to hear the testimony on the Community Development District (CDD) and then do a continuance of the public hearing until the October 13, 2003 City Commission Meeting.

DISCUSSED THE COMMUNITY DEVELOPMENT DISTRICT FOR ARLINGTON RIDGE

Steve Richey, attorney for the applicant, stated the advertised public hearing will be held tonight and information will be put into the record to be available for review. The public hearing will then be recessed until the second reading of the ordinance.

CA Morrison stated a CDD is a type of governmental entity that is authorized by Chapter 190 of Florida Statutes and is formed for a development of less than 1,000 acres by way of hearings before the governmental body that has jurisdiction. Items to look for include the following factors: 1.) all statements in the petition are true and correct, 2.) CDD is consistent with the state and local comprehensive plans 3.) Land is of a sufficient size and compactness and contiguous to be functional to the related community 4.) is the CDD the best alternative to deliver services, 5.) does the CDD have the best capacity to service the area; and 6) is the area amenable to separate government. Powers and duties are largely controlled by Florida Statutes.

Jonathan Johnson, attorney with Hopping Green and Sams, stated they would like to deal with legal issues first. Mr. Johnson provided the clerk the following items to be put into the records: 1.) Proof of publication, 2) Book of petition, 3) Record of three written testimonies of David Felice, Gary L. Moyer, Richard Wohlfarth, 4.) Affidavits of the three people, and 5.) Revised legal description.

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Mr. Johnson gave an overview of the definition of a CDD. He noted they have been established in Florida since the mid-1980's. One advantage of a CDD is it takes all aspects of the real estate project and puts it into public accountability, such as Sunshine Laws and public records matters.

Gary Moyer, of Severn Trent Environmental Services, Inc., outlined a CDD. He stated it is a very limited focused local government which is established for the purpose of developing a community. It provides services to the residents where the residents have input. Out of 200 CDDs that are in place, there have been some that have had problems, however, the track record is really impressive.

Mr. Johnson stated the kinds of improvements to be proposed for bond issue are the core infrastructure items.

Mr. Moyer stated 10 years ago in Colorado, districts had to post general obligation bonds. This CDD is looking for special assessment bonds, not general obligation bonds. In this case, if there is a default, the bond holder is activity involved with the underwriter and successive developer to bring the bonds current and keeping the project current. Mr. Johnson added the debt can never become the debt of the City or County. Bond funds must be held in trust and are only expended through the approved projects.

Commissioner Knowles stated he has several questions. First he questioned the number of years the bond issue would be. Mr. Johnson stated it would be no more than 30 years.

Mr. Knowles then asked if the CDD would ever sunset. Mr. Johnson answered there are provisions in Chapter 190 of Florida Statutes however, the debt would need to be addressed first. Arlington Ridge does not envision a sunset.

Commissioner Knowles asked about the number of directors and if the CDD will eventually be transferred to residents. Mr. Johnson stated there are five directors by Statutes. Also, there are two criteria which must be met before it can be turned over – in existence for at least six years and 250 qualified district voters.

Commissioner Knowles stated two items to be built are a golf course and sales office. Mr. Johnson stated those items will be privately funded and owned by the developer.

Commissioner Knowles questioned the amount to be borrowed. Mr. Johnson stated the Arlington Ridge group expects to raise \$10 million in construction dollars as opposed to \$14 million which would be needed for the bond issue. The difference is mainly due to the mandatory reserve fund for the bond issue.

Commissioner Knowles asked if it is the intent to assess different year purchases differently. Mr. Johnson stated each piece of property picks up its share of the issue. The obligation runs with the property.

Commissioner Knowles stated there is \$5 million for recreation. He asked what that would include. Mr. Johnson stated it would include active, passive activities, and common areas.

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David Felice, Arlington Ridge LLC, stated the recreational amenities will have several things funded by the bond issue. Plans call for several smaller buildings (a Town Center) not just one building, a small theater, tennis courts, restaurant, café, and a resort style pool.

DCM Johnson stated there is no description of the project included in the information. Mr. Felice stated the project calls for 941 single-family units, keyed on 4 different housing products. The average price is in the \$160,000 range. The first phase calls for 260 units and the entire infrastructure. This will be an active adult community.

Mayor Connelly stated the project is 487 acres and questioned if there is any idea of acquiring additional lands. Mr. Johnson stated plans would need to be filed through the City. There are no plans at this time. Taxes, regulated by Chapter 190, are based on benefits and not a millage base tax.

DCM Johnson stated he thought the CDD would be limited to a 3 millage level and then with some leverage could go to 5. Jonathan Johnson stated only one CDD uses the ad valorem taxes (Tampa Palms).

Commissioner Knowles noted the information provided states the cost impact on the ultimate land owner is not the total cost of the district to provide infrastructure services and facilities. Instead it is the incremental cost above what the landowner would have paid for installing the infrastructure with alternate financing. Does that mean an estimate will be used to determine the cost of the benefit? Mr. Johnson stated yes, the benefit will be determined. The amount of the benefit of the property will not exceed the debt over the 30-year time.

Commissioner Perry asked what the City's role is in solving problems. Mr. Moyer stated the problems are a district responsibility. The district is required to submit budgets and audits to the City for review and comment.

Commissioner Lovell left the room at 6:26 p.m. and returned at 6:28 p.m.

CA Morrison stated Arlington Ridge is to be a gated community with private roads. Mr. Johnson stated that is not correct. The list of improvements proposed to be funded by the bond includes both roads and security improvements. Arlington Ridge will have security features such as gatehouses. Chapter 190 allows a CDD to have absolute security powers however, all people must be let through the gates in order to use the bonds for building the roads.

CA Morrison stated recreational improvements such as the golf course will not be built through bond proceeds but can be sold to the CDD after construction at an inflated price. Mr. Johnson stated private funds will be used for the golf course. There are no plans for the district to acquire it.

CA Morrison stated the community is inward looking, meaning the residents will call the CDD not the City for any problems. CA Morrison questioned if the community will develop a community feeling with Leesburg. For example if a new tax is to be assessed by the City, will the community not want to pay it. Mr. Moyer stated the residents look at the community as their own, but will become involved with the bigger community. This development will be built with or without a CDD.

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Mayor Connelly requested a definition of private in terms of utilization. Mr. Johnson stated it refers to those items not owned by the CDD or government body. Mr. Felice stated initially the golf course will be open to all. Once all the full memberships are purchased by Arlington Ridge residents, it will only be open to residents.

Attorney Steve Richey stated if there are any questions, please get the information to DCM Robert Johnson or call Arlington Ridge LLC direct so they are prepared to answer the questions at the next meeting.

DCM Johnson will be meeting with the development team to review the financials of the developer. A bond consultant will be present at that time.

Commissioner Lovell asked if there were any big issues on the developer's agreement. Mr. Richey stated the groups need to sit down and resolve the problems.

Mr. Richey stated, for the record, this item is to be continued at the next City Commission meeting.

INTRODUCED AN ORDINANCE ESTABLISHING THE ARLINGTON RIDGE COMMUNITY DEVELOPMENT DISTRICT

Commissioner Lovell introduced the ordinance to be read by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, establishing the Arlington Ridge Community Development District pursuant to Chapter 190, Florida Statutes; containing legislative findings; naming the district; describing the external boundaries of the district; describing the functions and powers of the district; designating persons to serve as the initial members of the district's board of supervisors; providing a severability clause; and providing an effective date.

Mayor Connelly noted this item will be held over until the October 13, 2003 Commission Meeting.

Mayor Connelly called a recess at 6:46 p.m. The meeting reconvened at 6:56 p.m.

ADOPTED RESOLUTION 6911 AUTHORIZING SUBMITTAL OF A REQUEST TO THE DEPARTMENT OF COMMUNITY AFFAIRS TO MODIFY THE ACTIVITIES TO BE COMPLETED WITH GRANT FUNDS (99DB-4Z-06-45-02-E85)

Commissioner Perry introduced the resolution to be read by title only. ACC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing and directing the City Manager to submit a request to the Department of Community Affairs for Grant 99DB-4Z-06-45-02-E85 for the purpose of a modification to the activities to be completed with the grant funds; and providing an effective date.

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Commissioner Perry noted this is a request for a time extension for Skybolt to add the necessary workers.

Commissioner Perry moved to adopt the resolution and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Perry	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the resolution.

ADOPTED ORDINANCE 03-79 ACCEPTING A DEED FOR LAND IN SECTION 15-20-24 FOR FIRE STATION NO. 4, IN OKAHUMPKA

ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, accepting a county deed given by Lake County, Florida, as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 15, Township 20 south, Range 24 east, Lake County, Florida; and providing an effective date.

Commissioner Perry moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the ordinance.

ADOPTED ORDINANCE 03-80 AMENDING THE FISCAL YEAR 2002-03 BUDGET FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT AND CAPITAL PROJECTS FUNDS

ACC Richardson read the ordinance as follows:

An ordinance of the City Commission of the City of Leesburg, Florida amending the Fiscal Year 2003-03 budget for the Community Development Block Grant and Capital Projects Funds, and providing an effective date.

Commissioner Perry moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Knowles	Yea
Commissioner Lovell	Yea

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Commissioner Perry	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the ordinance.

ADOPTED ORDINANCE 03-81 ACCEPTING AN UTILITY EASEMENT FROM CHRISTIAN WORSHIP CENTER OF CENTRAL FLORIDA, INC. FOR LAND IN SECTION 21-19-24

ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from Christian Worship Center of Central Florida, Inc., as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 21, Township 19 south, Range 24 east, Lake County, Florida; and providing an effective date.

Commissioner Perry moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Perry	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the ordinance.

ADOPTED ORDINANCE 03-82 ACCEPTING AN UTILITY EASEMENT FROM JANAK K. PATEL FOR LAND IN SECTION 26-19-24 (223 SOUTH CANAL STREET)

ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from Janak K. Patel, as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 26, Township 19 south, Range 24 east, Lake County, Florida; and providing an effective date.

Commissioner Perry moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the ordinance.

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ADOPTED ORDINANCE 03-83 VACATING AN UTILITY EASEMENT OVER A PORTION OF LOTS 10 & 11 OF INTERLAKEN PLAZA AT THE NORTHEAST CORNER OF PROFESSIONAL DRIVE AND CENTRALIA COURT IN SECTION 16-19-25

ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, vacating a utility easement over a portion of lots 10 and 11, Interlaken Plaza, as recorded in plat book 41, pages 33 and 34, Public Records of Lake County, Florida, owned by American Seagull, Inc., said property generally located at the northeast corner of the intersection of Professional Drive and Centralia Court, lying in Section 16, Township 19 south, Range 25 east, Lake County, Florida; an providing for an effective date.

Commissioner Perry moved to adopt the ordinance and Commissioner Lovell seconded the motion. The roll call vote was:

Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the ordinance.

ADOPTED ORDINANCE 03-84 REPEALING §25-80 OPEN AIR VENDORS OF THE CODE OF ORDINANCES AND ADOPTING A NEW §25-80 TITLED SPECIAL EVENTS

ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, repealing §25-80 Open Air Vendors of the Code of Ordinances and adopting a new §25-90 titled Special Events; including general provisions; application procedures; additional information; providing a savings clause; repealing conflicting ordinances; an providing an effective date.

Commissioner Lovell questioned what this ordinance will accomplish. DCM Johnson stated staff is attempting to get a handle on special events that come to the City. This is for planning for events and tacking ing any costs the City may bear.

Commissioner Lovell moved to adopt the ordinance and Commissioner Perry seconded the motion. The roll call vote was:

Commissioner Perry	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Mayor Connelly	Yea

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Four yeas, no nays, the Commission adopted the ordinance.

ADOPTED RESOLUTION 6912 APPROVING THE IMPLEMENTATION OF A SPECIAL EVENT APPLICATION AND FEE STRUCTURE FOR THE RECREATION AND PARKS DEPARTMENT.

Commissioner Perry introduced the resolution to be read by title only. ACC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, approving the implementation of a special event application and fee structure for the Recreation and Parks Department and providing an effective date.

Commissioner Perry moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the resolution.

ADOPTED ORDINANCE 03-85 TO AMEND THE FUTURE LAND USE MAP FOR APPROXIMATELY 5.05 ACRES OWNED BY BERYL N. STOKES, JR., AND WILLIAM K. STOKES IN SECTION 21-19-24

ACC Richardson read the ordinance as follows:

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing approximately 5.05 acres and generally located north of Main Street, east of County Road 468, and west of Montclair road, lying in Section 21, Township 19 south, Range 24 east, Lake County, Florida, from County Urban to City Industry; and providing an effective date.

Commissioner Lovell moved to adopt the ordinance and Commissioner Perry seconded the motion. The roll call vote was:

Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the ordinance.

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ADOPTED ORDINANCE 03-86 ACCEPTING AN UTILITY EASEMENT ON PROPERTY LOCATED IN SECTION 30-19-25 ALONG SUNNYSIDE DRIVE (ALVIN SKINNER)

ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from Alvin M. Skinner and Elizabeth A. Skinner, as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 30, Township 19 south, Range 25 east, Lake County, Florida; and providing an effective date.

Commissioner Perry moved to adopt the ordinance and Commissioner Lovell seconded the motion. The roll call vote was:

Commissioner Perry	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the ordinance.

ADOPTED ORDINANCE 03-87 AMENDING SECTION 22-181 REGARDING UTILITY DEPOSITS

ACC Richardson read the ordinance as follows:

An ordinance amending §22-181, 22-196, 22-211, 22-232, and 22-246 of the Code of Ordinances of the City of Leesburg, Florida, pertaining to utility deposits; establishing uniform standards and requirements for deposits for all utility services provided by the City of Leesburg; setting deposit amounts and rates; providing for refunds, name changes and transfers; providing for multiple locations; providing for payment of interest on deposits; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Lovell moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the ordinance.

ADOPTED ORDINANCE 03-88 CREATING §2-5 OF THE CODE OF ORDINANCES AUTHORIZING CRIMINAL HISTORY RECORD CHECKS FOR CERTAIN CLASSES OF EMPLOYEES OR PROSPECTIVE EMPLOYEES

ACC Richardson read the ordinance by title only as follows:

An ordinance of the City of Leesburg, Florida, creating §2-5 of the Code of Ordinances pertaining to employee screening; authorizing pursuant to §166.0442, Fla. Stat (2003) criminal history record checks for certain classes of employees or prospective employees; providing that such employees shall submit fingerprints to facilitate background checks; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Lovell moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the ordinance.

ADOPTED ORDINANCE 03-89 AMENDING §22-271 OF THE CODE OF ORDINANCES AMENDING THE RATE STRUCTURE FOR REUSE WATER AND ADDING A RATE FOR BULK USERS

ACC Richardson read the ordinance by title only as follows:

An ordinance of the City of Leesburg, Florida, amending §22-271 of the Code of Ordinances pertaining to charges for reuse water; amending the rate structure for reuse water; adding a rate for bulk users of reuse water; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Lovell moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Perry	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the ordinance.

ADOPTED ORDINANCE 03-77 AMENDING THE RETIREMENT PLAN FOR THE GENERAL EMPLOYEES; AMENDING SECTION 3, BOARD OF TRUSTEES, TO PROVIDE FOR A POLICE OFFICER TRUSTEE; AND A DEPARTMENT HEAD TRUSTEE TO BE APPOINTED BY THE CITY MANAGER

ACC Richardson read the ordinance by title only as follows:

An ordinance of the City of Leesburg, amending the retirement plan for the general employees for the City of Leesburg, adopted pursuant to Ordinance No. 03-57; amending Section 3, Board of Trustees, to provide for a Police Officer Trustee; providing for a Department Head to be appointed as a Trustee by the City Manager; providing for codification; providing for severability of provisions; repealing all ordinances in conflict herewith and providing an effective date.

Commissioner Knowles moved to adopt the ordinance and Commissioner Lovell seconded the motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the ordinance.

ADOPTED RESOLUTION 6913 AUTHORIZING TRANSMITTAL OF THE RESPONSE TO THE OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

Commissioner Knowles introduced the resolution to be read by title only. ACC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the transmittal of the response to the Objections, Recommendations, and Comments (ORC) Report received from the Florida Department of Community Affairs (DCA) by the City of Leesburg Community Development Department; and providing an effective date.

Community Development Director (CDD) Laura McElhanon stated the first hearing was held March 10, 2003. This is staff's response to the ORC report. A second hearing on the comprehensive plan will be held.

Commissioner Lovell asked CDD McElhanon if she thought there would be any unforeseen problems. CDD McElhanon stated the Florida Department of Community Affairs may have some problems with the land use map only.

Commissioner Perry moved to adopt the resolution and Commissioner Lovell seconded the motion. The roll call vote was:

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Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the resolution.

ADOPTED ORDINANCE 03-90 AMENDING THE CITY'S COMPREHENSIVE PLAN; ADDING, OR ADOPTING REVISIONS TO THE FUTURE LAND USE, TRAFFIC CIRCULATION, HOUSING, RECREATION AND OPEN SPACE, AND CAPITAL IMPROVEMENTS ELEMENTS

ACC Richardson read the ordinance by title only as follows:

An ordinance of the City of Leesburg, Florida, amending the city's comprehensive plan; adding, or adopting revisions to the future land use, traffic circulation, housing, recreation and open space, capital improvements elements of the comprehensive plan; adopting amendments to the comprehensive plan arising from the evaluation and appraisal report process; updating the future land use map; creating new land use designations; repealing conflicting ordinances; providing a savings clause; and providing and effective date.

Mayor Connelly asked if there were any questions. There were none.

Commissioner Knowles moved to adopt the ordinance and Commissioner Lovell seconded the motion. The roll call vote was:

Commissioner Perry	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the ordinance.

ADOPTED ORDINANCE 03-91 AMENDING THE COMPREHENSIVE PLAN CHANGING THE FUTURE LAND USE MAP OF APPROXIMATELY 19.02 ACRES NORTH OF SR 44, SOUTH OF JONES DRIVE, AND WEST OF CR 468 IN SECTION 21-19-24 FROM COUNTY URBAN TO CITY I AND CO (BERYL STOKES)

ACC Richardson read the ordinance by title only as follows:

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing approximately 5.05 acres and generally located north of Main Street, east of County Road 468, and west of Montclair Road, lying in Section 21, Township 19 south, Range 24 east, Lake County, Florida, from County Urban to City Industry; and providing an effective date.

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Commissioner Lovell moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the ordinance.

ADOPTED ORDINANCE 03-92 CHANGING THE FUTURE LAND USE MAP OF APPROXIMATELY 686.16 ACRES NORTH OF CR 470, EAST OF THE FLORIDA TURNPIKE AND WEST OF CR 33 IN SECTIONS 9, 10, & 16-20-24 FROM COUNTY RURAL TO CITY PUBLIC (CITY OF LEESBURG/FORMER PLATT FARMS)

ACC Richardson read the ordinance by title only as follows:

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing approximately 686.16 acres and generally located north of County Road 470, east of the Florida Turnpike, and west of County Road 33, lying in Sections 9, 10, and 16, Township 20 south, Range 24 east, Lake County Florida, from County Rural to City Public; and providing an effective date (City of Leesburg/former Platt Farms).

Commissioner Lovell moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the ordinance.

ADOPTED ORDINANCE 03-93 AMENDING THE COMPREHENSIVE PLAN CHANGING THE FUTURE LAND USE MAP FOR APPROXIMATELY 29.8 ACRES NORTH AND WEST OF LEGACY OF LEESBURG, SOUTH OF CR 48 AND EAST OF US HWY 27 IN SECTIONS 13, 14, 23, & 24-20-24 FROM RH TO C AND CO (ZAPPA, MUSCARELLA)

ACC Richardson read the ordinance by title only as follows:

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing approximately 29.8 acres and generally located north and west of Legacy of Leesburg, south of County Road 48, and east of U.S. Highway 27, lying in Sections 14, 23, and 24, Township 20 south, Range 24 east, Lake County,

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Florida, from RF (residential high density) to C (commerce) and CO (conservation); and providing an effective date. (Zappala, Muscarella, and Associates property)

Commissioner Perry moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission adopted the ordinance.

INTRODUCED AN ORDINANCE AMENDING §5-1 OF THE CODE OF ORDINANCES ADDING A DEFINITION FOR THE “SALE” OF INTOXICATING BEVERAGE

Commissioner Lovell introduced the ordinance to be read by title only. ACC Richardson read the ordinance as follows:

An ordinance amending §5-1 of the Code of Ordinances of the City of Leesburg, adding a definition for the “sale” of intoxicating beverages; providing that the term “sale” where used in Chapter 5 of the Code shall include the provision by commercial establishments to their patrons of intoxicating beverages without charge or payment of consideration; repealing conflicting ordinances, providing a savings clause, and providing an effective date.

CONSENT AGENDA:

Pulled: A2 (landscaping and signage at the Airport)
 A3 (Well Construction at Royal Highlands and Highland Lakes)
 B2a and b (Contract with Wagner and an amendment to the contract)
 B3 (Contract with Jaffer Associates)
 B7 (FMPA loan)

Commissioner Perry moved to approve the Consent Agenda except for items A2, A3, B2a, B2b, B3, and B7 and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission approved the Consent Agenda, as follows:

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PURCHASING ITEMS:

1. 03-FB-54 Engineering services for existing substations and SCADA systems for Electric Dept. awarded to Energy Delivery Systems, Inc. for \$16,850.00
2. 03-FB-56 **PULLED** Landscaping and signage at Leesburg Regional Airport entrance awarded to Wagner Construction for \$75,000.00
3. 03-FB-59 **PULLED** Construction of wells at Royal Highlands and Highland Lakes for Water Dept. awarded to Jaffer Associates Corporation for \$389,450.00
4. 03-FB-64 Terminating cabinets for the Electric Dept. awarded to Hughes Supply, Inc. for \$55,980.00

RESOLUTIONS:

RESOLUTION 6914

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Energy Delivery Systems, Inc. for engineering services for the existing substations and SCADA systems pursuant to bid #03-FB-54; and providing an effective date.

RESOLUTION 6915

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Environmental Systems Research Institute for a GIS Needs Assessment for software, licensing and training, pursuant to Bid 03-RFP-018; and providing an effective date.

RESOLUTION 6916

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the City Manager of the City of Leesburg to accept a grant award from the Bureau of Justice Assistance of the U.S. Department of Justice under the Local Law Enforcement Block Grants (LLEBG) program; and providing an effective date.

RESOLUTION 6917

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute the preliminary excess loss insurance application providing reinsurance coverage for the City of Leesburg self-funded health insurance group benefits program by the Safeco Life Insurance Company; and providing an effective date.

RESOLUTION 6918

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an interlocal agreement between the City of Leesburg and Lake County for \$30,000 for installation of a fit-trail fitness system; and providing an effective date.

RESOLUTION 6919

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an interlocal agreement with Lake County Board of County Commissioners related to the contribution of resort tax funds for the construction of certain facility enhancements on the Sleepy Hollow Sports Stadium project; and providing an effective date.

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RESOLUTION 6920

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and the Florida Department of Transportation for design and engineering services for the extension of Runway 13/31 and Taxiway "A" and design, purchase and installation of ILS on Runway 13/31 at Leesburg Regional Airport; and providing an effective date.

RESOLUTION 6921

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute Supplemental Agreement No. 2 to Lease No. DTFA06-01-L-04473 between the City of Leesburg and the Department of Transportation Federal Aviation Administration for the purpose of adding a liability limitation to the agreement; and providing an effective date.

RESOLUTION 6922

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and WSI for WSI pilot brief services at Leesburg Regional Airport; and providing an effective date.

RESOLUTION 6923

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Jim Saulnier for maintenance and repair of the non-directional beacon at Leesburg Regional Airport; and providing an effective date.

RESOLUTION 6924

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute the sublease agreement between Aerostat, Inc. and John Cordes for the purpose of subletting property at the Leesburg Regional Airport; and providing an effective date.

RESOLUTION 6925

A resolution of the City Commission of the City of Leesburg, Florida, authorizing execution of an extension of closing date agreement between Cable Services, Inc., as seller, and the City of Leesburg, Florida, as buyer; and providing an effective date.

RESOLUTION 6926

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute such documents as are necessary to conform the city's depository account, maintained for the benefit of Florida Gas Utility, to the latest requirements for the amount of the deposit to be held in escrow; and providing an effective date.

RESOLUTION 6927

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and ICMA Retirement Corporation for 401 Governmental Money Purchase Plan & Trust; providing an effective date.

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RESOLUTION 6928

A resolution of the City Commission of the City of Leesburg, Florida authorizing and directing the Mayor and City Clerk to execute an agreement for grant funding between the City of Leesburg and Leesburg Cemeteries, Inc. during Fiscal Year 2003-2004 and providing an effective date.

RESOLUTION 6929

A resolution of the City Commission of the City of Leesburg, Florida authorizing and directing the Mayor and City Clerk to execute an agreement for grant funding between the City of Leesburg and Boys and Girls Club of Lake and Sumter Counties, Inc. during Fiscal Year 2003-2004 and providing an effective date.

RESOLUTION 6930

A resolution of the City Commission of the City of Leesburg, Florida authorizing and directing the Mayor and City Clerk to execute an agreement for grant funding between the City of Leesburg and the Community Crusaders Inc. of Leesburg during Fiscal Year 2003-2004 and providing an effective date.

RESOLUTION 6931

A resolution of the City Commission of the City of Leesburg, Florida authorizing and directing the Mayor and City Clerk to execute an agreement for grant funding between the City of Leesburg and Leesburg Junior Jackets, Inc. during Fiscal Year 2003-2004 and providing an effective date.

RESOLUTION 6932

A resolution of the City Commission of the City of Leesburg, Florida authorizing and directing the Mayor and City Clerk to execute an agreement for grant funding between the City of Leesburg and Leesburg Partnership, Inc. during Fiscal Year 2003-2004 and providing an effective date.

RESOLUTION 6933

A resolution of the City Commission of the City of Leesburg, Florida authorizing and directing the Mayor and City Clerk to execute an agreement for grant funding between the City of Leesburg and Leesburg Area Chamber of Commerce during Fiscal Year 2003-2004 and providing an effective date.

RESOLUTION 6934

A resolution of the City Commission of the City of Leesburg, Florida, adopting the apportionment of voting membership on the Lake-Sumter Metropolitan Planning Organization to include representatives from seven (7) cities in Lake County and the five (5) Lake County Board of County Commissioners and one (1) County Commissioner from Sumter County Board of County Commissioners.

RESOLUTION 6935

A resolution of the City of Leesburg, Florida, accepting and approving a plat of Majestic Oaks Landing, a subdivision in a R-1 (Single Family Residential) and a R-1-A (Single Family Residential) District, within the City of Leesburg, Florida, generally located north of Bentley Road, south of Lake Griffin, east and west of Newell Hill Road, lying in Section 24, Township

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19 South, Range 24 East; and accepting and dedicating the easements and tract "A" of said lands to the public as contained therein; and providing an effective date. (Ed and Kay Schlein)

RESOLUTION 6936

A resolution of the City of Leesburg, Florida, accepting and approving a plat of Royal Oak Estates, fourth addition, a subdivision in an R-2 (Low Density Residential) district, within the City of Leesburg, Florida generally located south of South Street, southwest corner of Royal Oak Estates, lying in Section 28, Township 19 South, Range 24 East; and accepting and dedicating to the use of the public the utility easements contained therein; and providing an effective date. (Walter Lastition)

APPROVED AWARDED BID FOR LANDSCAPING AND SIGNAGE AT LEESBURG REGIONAL AIRPORT ENTRANCE AWARDED TO WAGNER CONSTRUCTION

Commissioner Perry stated he requested this be pulled as many bids only get a single bidder. He questioned if staff was getting the word out well enough on the bid items. DCM Johnson stated, in this particular case, there were three companies at the pre-bid however, the insurance requirements made it difficult for some companies to bid.

Commissioner Perry moved to approve the bid item and Commissioner Lovell seconded the motion. The roll call vote was:

Commissioner Perry	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission approved the bid item.

APPROVED CONSTRUCTION OF WELLS AT ROYAL HIGHLANDS AND HIGHLAND LAKES FOR THE WATER DEPT. BE AWARDED TO JAFFER ASSOCIATES CORPORATION

Commissioner Knowles questioned why the second lowest bidder was not chosen. He could see why the lowest bidder was not chosen. Environmental Services Director (ESD) Ray Sharp stated the second low bidder took an exception that was not acceptable to the City.

Mayor Connelly asked what some of the things bidders object to when it comes to specifications. ESD Sharp stated in this case, there are some restraints to which the lowest bidder objected.

Commissioner Perry moved to approve the bid item and Commissioner Knowles seconded the motion. The roll call vote was:

,	Commissioner Lovell	Yea
	Commissioner Perry	Yea
	Commissioner Knowles	Yea
	Mayor Connelly	Yea

Four yeas, no nays, the Commission approved the bid item.

APPROVED RESOLUTION 6937 AUTHORIZING AN AGREEMENT WITH WAGNER CONSTRUCTION CO., LLC FOR LANDSCAPE SERVICES AND SIGNAGE AT THE AIRPORT

Commissioner Knowles introduced the resolution to be read by title only. ACC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Wagner Construction Co., LLC for landscape services and signage at the Leesburg Regional Airport entrance pursuant to bid #03-FB-56, and providing an effective date.

Commissioner Perry moved to approve the resolution and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Perry	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission approved the resolution.

APPROVED RESOLUTION 6938 AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH WAGNER CONSTRUCTION CO., LLC FOR LANDSCAPE SERVICES AND SIGNAGE AT THE AIRPORT

Commissioner Knowles introduced the resolution to be read by title only. ACC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an amendment between the City of Leesburg and Wagner Construction Co., LLC for landscape services and signage at the Leesburg Regional Airport entrance pursuant to Bid 03-FB-56 and staff negotiations; and providing an effective date.

Commissioner Perry moved to approve the resolution and Commissioner Lovell seconded the motion. The roll call vote was:

Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission approved the resolution.

APPROVED RESOLUTION 6939 AUTHORIZING AN AGREEMENT WITH JAFFER ASSOCIATES CORPORATION FOR WELLS AT ROYAL HIGHLANDS AND HIGHLAND LAKES

Commissioner Knowles introduced the resolution to be read by title only. ACC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Jaffer Associates Corporation to construct wells for Royal Highlands and Highland Lakes, pursuant to bid #03-FB-59; and providing an effective date.

Commissioner Knowles moved to approve the resolution and Commissioner Lovell seconded the motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission approved the resolution.

APPROVED RESOLUTION 6940 AUTHORIZING A LOAN WITH FLORIDA MUNICIPAL POWER AGENCY IN AN AGGREGATE AMOUNT NOT TO EXCEED \$6,077,000

Commissioner Perry introduced the resolution to be read by title only. ACC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing a loan to the City in an aggregate amount not to exceed \$6,077,000 from the Florida Municipal Power Agency, as agent for the initial pooled loan project; approving the form of and authorizing the execution and delivery of a loan agreement between the City and the Florida Municipal Power Agency, as agent for the initial pooled loan project; providing for such loan; authorizing the infrastructure improvements to the City's utilities system; approving the form and authorizing the execution and delivery of a promissory note by the City; authorizing certain officials and employees of the City to take all actions required in connection with the execution and delivery of the loan agreement and the making of the loan; providing certain other matters in connection therewith; and providing an effective date.

Commissioner Perry questioned staff's recommendation to pledge all utility system revenues for this loan. He also questioned the meaning of 60 basis points above the commercial rate. Commissioner Knowles stated 60 points above the commercial rate means 60/100 of a percentage over the commercial rate. Deputy Finance Director Diane Reichard stated the 1.45 variable rate stated in the back-up includes the 60 basis points.

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Commissioner Perry stated some of the revenues are restricted. DCM Johnson stated this involves utility revenues only. Staff is working with a bond consultant to retire some of the debt from the old bond issues. This will allow greater capability of separating out various revenue restraints.

Commissioner Knowles stated the variable rate is lower than he expected. This is a very low rate.

Commissioner Perry moved to approve the resolution and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Perry	Yea
Commissioner Lovell	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission approved the resolution.

FINANCE DIRECTOR ITEMS:

1. FD Pfeilsticker asked for any questions regarding the monthly financial report for August 2003. There were none.
2. FD Pfeilsticker requested approval of a BPCA rate of \$14.50 per 1,000 Kwh for October, November, and December 2003.

Commissioner Perry stated it was just increased recently by a substantial amount. This doubles the amount of the BPCA since June. He asked if the current rate could be maintained until after the holidays.

Commissioner Lovell moved to approve the BPCA rate of \$14.50 per 1,000 and Commissioner Knowles seconded the motion.

DCM Johnson stated the estimated impact to the average customer is \$4 a month.

FD Pfeilsticker stated the City is not maintaining the recommended fund balance. This BPCA increase is driven by cost of gas and it needs to be increased now.

Electric and Gas Director (EGD) Lloyd Shank reminded the Commission the main reason for the increase is that FMPA is expecting to increase the wholesale cost of power this week. Staff doesn't expect this to be a temporary thing but anticipates high prices until more natural power is available.

FD Pfeilsticker stated the rate study for electric and gas has given a false sense of security on the electric fun balances.

The roll call vote was:

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Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	No
Mayor Connelly	No

Two yeas, two nays, the Commission denied this BPCA rate.

DFD Reichard stated a rate needs to be approved for October.

Commissioner Knowles moved to institute a BPCA rate of \$14.50 for October/November and look at the rate again in December. Commissioner Lovell seconded the motion. The roll call vote was:

Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	No
Mayor Connelly	No

Two yeas, two nays, the Commission approved this BPCA rate.

Commissioner Perry moved to approve a BPCA rate of \$14.50 for October only and then to review it on a month by month basis until further notice. Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Knowles	Yea
Commissioner Perry	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission approved this BPCA rate and to review it on a month by month basis.

3. FD Pfeilsticker stated for this fiscal year the write-off of accounts receivable is \$223,447.55.

Commissioner Lovell asked what the percentage of gross sales is this? DFD Reichard stated it is 0.45%

Mayor Connelly questioned if it was mostly businesses or residents. DFD Reichard stated it is mostly residents and the newly revised utility deposit should help with this.

CITY MANAGER ITEMS:

1. DCM Johnson stated staff received a request from the County to work with Public Works to slow-up on the design of College Drive to Dixie Avenue. The County wants to include the Tav-lee trail into Leesburg's Magnolia Trail. It also wants to discuss retention ponds. The County requested the Mayor send a letter requesting a delay.

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2. DCM Johnson reminded everyone of an October 20, 2003 workshop related to the Library for a needs analysis and a meeting of the two CRAs.

CITY ATTORNEY ITEMS:

1. CA Morrison gave an update on the Florida Water Services acquisition. He stated Florida Water Services rejected the due diligence. Mr. Stock would like to offer \$1 million without due diligence and under the threat of condemnation.

Commissioner Lovell moved to authorize the City Manager to offer \$1 million for the Florida Water Services systems. Commissioner Knowles seconded the motion.

Commissioner Perry asked if the consultant could tell if offering \$1 million was a good deal. DCM Johnson stated time constraints prevent this from being done.

The roll call vote was:

Commissioner Knowles	Yea
Commissioner Perry	Yea
Commissioner Lovell	Yea
Mayor Connelly	Yea

Four yeas, no nays, the Commission approved offering \$1 million for the Florida Water Service Systems.

2. CA Morrison reviewed a course of action for Leesburg regarding Sumter County's approval of a CUP for a landfill. The City has Until October 16, 2003 to file legal option. CA Morrison recommended the City participate in the filing of a two prong legal action. One is similar to an appeal to overturn the decision by the County based on some procedural errors and due process problems. The second is to file an action under Chapter 163, which challenges the consistency of the landfill decision with their comprehensive plan. CA Morrison is asking for permission to proceed with legal action.

Commissioner Lovell stated if Sumter County wants to take on Orlando trash, he has no objection. What is objectionable is it being on the edge of Lake County. Commissioner Lovell moved to follow the recommendation of the City Attorney and to object strenuously to this.

Mayor Connelly questioned if this will cause problems with the water system. CA Morrison stated there is a potential for that to happen. Site-specific studies are needed to determine if there will be any affect to the water system. Also, wells tend to shift the flow of water, then can change the flow of the water. Sinkholes are another concern. Citizens stated there are numerous sinkholes in the area.

Commissioner Perry seconded the motion to follow the City Attorney's recommendation and it passed unanimously.

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ROLL CALL:

Commissioner Lovell - none

Commissioner Perry stated the City should buy everything from the Florida Water Services Systems, including Valencia Terrace. The City can then sell Valencia Terrace to Fruitland Park.

Commissioner Knowles stated he agrees with Commissioner Perry.

Mayor Connelly stated Commissioner Puckett had notified staff he would not be able to attend this meeting. The Governor declared tonight as Family Night.

Commissioner Lovell moved to adjourn the meeting and Commissioner Perry seconded the motion. The meeting adjourned at 8:02 p.m.

Mayor

Attest:

Acting City Clerk

Diane L. Gibson Smith
Recorder

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